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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 ROBERT EARLE JOHNSON,

6 Plaintiff,

7 v.

8 CHRISTINE GREGOIRE, *et al.*,

9 Defendants.

Case No. C08-5428FDB/KLS


ORDER DENYING MOTION FOR
RECUSAL OF U.S. DISTRICT
COURT JUDGE

10 This is a prisoner civil rights case that is before Magistrate Judge Karen L. Strombom.
11 Plaintiff Johnson had an earlier civil rights case raising similar issues in C05-5401FDB/JKA, wherein
12 this Court adopted the Report and Recommendation. That matter is currently on appeal to the Ninth
13 Circuit.

14 Johnson asserts that the undersigned United States District Judge should be disqualified from
15 review of the instant case because of demonstrated bias in the previous case. Johnson's motion is
16 without merit. While it is true that this Court adopted the Report and Recommendation presented by
17 Magistrate Judge Arnold in the previous case, the Court did review the record in coming to its
18 conclusion. Simply because the undersigned took a different view of the arguments than does
19 Johnson, is no basis for disqualification from the instant case.

20 ACCORDINGLY, IT IS ORDERED: Plaintiff's Motion for Recusal To Disqualify United
21 States District Court Judge Franklin D. Burgess [Dkt. # 6] is DENIED.

22 DATED this 14th day of August, 2008.

23 
24 FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE
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